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NC DEPT. OF ENVIRONMENT
AND NATURAL RESOURCES
RECEIVED

OCT 27 2010

October 26, 2010

MOORESVILLE REGIONAL OFFICE
DIVISION OF WASTE MANAGEMENT, SWS

Charles Gerstell
North Carolina Dept. of Environment and Natural Resources
Div. of Waste Management - Solid Waste Section
610 E. Center Ave., Suite 301
Mooresville, NC 28115

**RE: Coal fly ash structural fill at E.J. Bill Simpson Property
Cripple Creek Investments, LLC project that was scheduled for
July of 1997**

Dear Gersell:

You inquired as to whether or not the above mentioned project has ever been implemented. I am Mr. Simpson/Cripple Creek's long time attorney and I have been familiar with the referenced site since well before 1997. I am not aware that any structural fill of any kind has been placed on this property during the ownership by Mr. Simpson/Cripple Creek. I checked with Mr. Simpson's office and they tell me that this project was never implemented.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

HOMESLEY, GOODMAN & WINGO, PLLC

Clifton W. Homesley

Cc: Mr. Simpson

